

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TIMOTHY HUBBERT

PETITIONER

v.

NO. 1:05CV238-M-D

RAYFORD HORTON, ET AL.

DEFENDANTS

FINAL JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated November 21, 2005, the November 30, 2005, objections to the Report and Recommendation, and the various submissions filed thereafter by both sides, the court finds that the petitioner's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated November 21, 2005, is hereby approved and adopted as the opinion of the court.
2. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).
3. That this case is **CLOSED**.

THIS, the 14th day of March, 2006.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE